

**RESOLUTION OF THE CITY OF CROSS PLAINS
RESOLUTION 07-02**

**RESOLUTION TO ADOPT A CODE OF ETHICS FOR OFFICIALS AND
EMPLOYEES OF THE CITY OF CROSS PLAINS GOVERNMENT.**

WHEREAS, Section 49 of the Comprehensive Ethics Reform Act of 2006, 2006 Public Chapter 1 (1st Ex. Sess.), (the "Ethics Reform Act") requires City legislative bodies to adopt certain ethical standards by resolution on or before June 30, 2007; and

WHEREAS, the Municipal Technical Assistance Service (MTAS) was directed to prepare and disseminate a model of ethical standards which may be adopted by Cities in compliance with the Ethics Reform Act; and

WHEREAS, City of Cross Plains desires to adopt the MTAS model of ethical standards as the Code of Ethics for City of Cross Plains;

NOW THEREFORE, BE IT RESOLVED by the Cross Plains Commission body meeting in the regular session at Cross Plains, Tennessee, on this 7th day of June, 2007, that:

SECTION 1. The model of ethical standards developed by MTAS and attached to this resolution is hereby adopted as the Code of Ethics for City of Cross Plains.

SECTION 2. Upon approval of the resolution, the City Recorder is directed to:
(a) Mail a copy of this resolution to the State Ethics Commission; and

(b) Mail a copy of this Resolution and the attached Code of Ethics to each city office governed thereby, including all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the City of Cross Plains or an official of the City; and

(c) Post a copy of the Code of Ethics on each public bulletin board in the City Hall or such other similar public building.

SECTION 3. This Resolution shall take effect upon its passage and approval, the public welfare requiring it.

ADOPTED this 7th day of June, 2007.



Mayor



City Recorder

2007 JUN 08 11:19 AM
CROSS PLAINS, TENNESSEE

**RESOLUTION OF THE CITY OF CROSS CODE OF ETHICS
CROSS PLAINS, TENNESSEE**

SECTION 1 Definition

- (1) "City" means City of Cross Plains, which includes all boards, committees, commissions, authorities, corporations or other instrumentalities appointed or created by the city or an official of the city.
- (2) "Officials and employees" means and includes any official, whether elected or appointed, officer, employee or servant, or any member of any board, agency, commission, authority or corporation (whether compensated or not), or any officer, employee or servant thereof, of the city.
- (3) "Personal interest" means for the purpose of disclosure of personal interests in accordance with this Code of Ethics, a financial interest of the official or employee, or a financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised, or otherwise acted upon in an official capacity.

SECTION 2 Disclosure of personal interest in voting matters. An official or employee with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and to be included in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's or employee's vote on the measure. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from voting on the measure.

SECTION 3. Disclosure of personal interest in non-voting matters. An official or employee who must exercise discretion relative to any matter other than casting a vote and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on the attached disclosure form and file the disclosure form with the city recorder. In addition, the official or employee may, to the extent allowed by law, recuse himself or herself from the exercise of discretion in the matter.

SECTION 4. Acceptance of gifts and other things of value. An official or employee, or an official's or employee's spouse or child living in the same household, may not accept, directly or indirectly, any gift, money, gratuity, or other consideration or favor of any kind from anyone other than the city.

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties;
or
- (2) That a reasonable person would understand was intended to influence the vote, official action, or judgment of the official or employee in executing city business.

It shall not be considered a violation of this policy for an official or employee to receive entertainment, food, refreshments, meals, health screenings, amenities, foodstuffs, or

beverages that are provided in connection with a conference sponsored by an established or recognized statewide association of city government officials or by an umbrella or affiliate organization of such statewide association of city government officials.

SECTION 5. Ethics Complaints. A City Ethics Committee (the "Ethics Committee") consisting of five members shall be appointed to one-year terms by the City Mayor with confirmation by the cities legislative body, to be appointed each year at the same time as internal committees of the cities legislative body. At least three members of the committee shall be members of the city legislative body; one member shall be a constitutional city officer. The Ethics Committee shall convene as soon as practicable after their appointment and elect a chair and a secretary. The records of the Ethics Committee shall be maintained by the secretary and shall be filed in the office of the City Recorder where they shall be open for public inspection.

Questions and complaints regarding violations of this Code of Ethics or of any violation of state law governing ethical conduct should be directed to the chair of the Ethics Committee. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The city's Ethic Committee shall investigate any credible complaint against an official or employee charging any violation of this Code of Ethics, or may undertake an investigation on its own initiative when it acquires information indicating a possible violation, and make recommendations for action to end or seek retribution for any activity that, in the Committee's judgment, constitutes a violation of this Code of Ethics. If a member of the Committee is the subject of a complaint, such member shall recuse himself or herself from all proceedings involving such complaint.

The Committee may:

- (1) Refer the matter to the City Attorney for a legal opinion and /or recommendations for action;
- (2) In the case of an official, refer the matter to the city legislative body for possible public censure if the cities legislative body finds such action warranted;
- (3) In the case of an employee, refer the matter to the official responsible for supervision of the employee for possible disciplinary action if the official finds discipline warranted;
- (4) In a case involving possible violation of state statutes, refer the matter to the district attorney for possible ouster or criminal prosecution;

The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this Code of Ethics. When a violation of this Code of Ethics also constitutes a violation of a personnel policy or a civil service policy, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this Code of Ethics.

SECTION 6. Applicable State Laws. In addition to the ethical principles set out in this Code of Ethics, state laws also provide a framework for the ethical behavior of city officials and

employees in the performance of their duties. Officials and employees should familiarize themselves with the state laws applicable to their office or position and the performance of their duties. To the extent that an issue is addressed by state law (law of general application, public law of local application, local option law, or private act), the provisions of that state law, to the extent they are more restrictive, shall control.

Following is a brief summary of selected state laws concerning Code of Ethics. For the full text of these statutes, see Tennessee Code Annotated (T.C.A.) sections indicated.

Campaign finance – T.C.A. Title 2, Chapter 10. Part one (campaign financial disclosure) requires candidates for public office to disclose contributions and contributions to their campaigns. Part Three (campaign contribution limits) limits the total amount of campaign contributions a candidate may receive from an individual and sets limits on the amount a candidate may receive in cash.

Conflict of Interest – T.C.A. 12-4-101. It prohibits anyone who votes for, lets out, or in any manner supervises any work or contract from having a direct financial interest in that contract, purchase or work, and it requires disclosure of indirect financial interests by public acknowledgement.

Conflict of Interest – T.C.A. 5-1-125. It prohibits officials and employees from purchasing surplus city property except where it is sold by public bid.

Conflict of Interest – T.C.A. 5-5-102 and 12-4-101 govern disclosures and abstentions from voting due to conflicts of interest of members of city legislative bodies.

Conflict of Interest disclosure statements – T.C.A. 8-50-501 and the following sections require candidates and appointees to local public offices to file a disclosure statement with the state ethics commission listing major sources of income, investments, lobbying activities, professional services provided, bankruptcies, certain loans, and other information, and to keep these statements up to date.

Honoraria – T.C.A. – 2-10-116 prohibits elected officials from accepting an honorarium (including money or anything of value, but not including reimbursement for actual expenses) for an appearance, speech, or article in their official capacity.

Court sales – T.C.A. 39-16-405 prohibits judges, clerks of court, court officers, and employees of court, from bidding on or purchasing any property sold through the court for which such person discharges official duties.

Rules of the Supreme Court – Rule 10, Cannon 5 (Code of Judicial Conduct) establishes ethical rules for judges and other court personnel when exercising judicial functions.

Fee statutes – T.C.A. 8-21-101, 8-21-102 and 8-21-103 set out circumstances where fees are authorized, prohibit officials from requiring payment of fees in advance of performance of wervices except where specifically authorized, and set penalties for charging excessive or unauthorized fees.

Consulting fee prohibition for elected officials – T.C.A. 2-10-122 and 2-10-124 prohibit officials from receiving compensation for advising or assisting a person or entity in influencing city legislative or administrative action.

Crimes involving public officials – T.C.A. 39-16-101 and the following sections prohibit bribery, soliciting unlawful compensation, and buying and selling in regard to offices.

Official misconduct – T.C.A. 39-16-402 applies to public servants and candidates for office and prohibits unauthorized exercise of official power, acting in an official capacity exceeding the servant’s power, refusal to perform a duty imposed by law, violating a law relating to the servant’s office or employment, and receiving a benefit not provided by law.

Official oppression – T.C.A. 39-16-403 prohibits abuse of power by a public servant.

Bribery for votes – T.C.A. 2-19-121, 2-19-126 and 2-19-127 prohibit bribery of voters in elections.

Misuse of official information – T.C.A. 39-16-404 prohibits a public servant from attaining a benefit or aiding another person in attaining a benefit from information which was obtained in an official capacity and is not available to the public.

Ouster law T.C.A. – 8-47-101 sets out conduct which is punishable by ouster from office, including misconduct in office and neglect of duty.

City of Cross Plains Code of Ethics Conflict of Interest Disclosure Statement

Instructions: This form is for reporting personal interests required to be disclosed under Section 3 of the Code of Ethics of this City's Officials and employees are required to disclose personal interests in matters that affect or would lead a reasonable person to infer that it would affect the exercise of discretion of an official or employee.

1. Date of disclosure: _____

2. Name of official or employee: _____

3. Office and position: _____

4. Description of personal interest (describe below in detail):

Signature of official or employee

Witness Signature

Printed name of witness